

**Commonwealth of Kentucky  
Natural Resources and Environmental Protection Cabinet  
Department for Environmental Protection  
Division for Air Quality  
803 Schenkel Lane  
Frankfort, Kentucky 40601  
(502) 573-3382**

**STATE ORIGIN  
AIR QUALITY PERMIT**

**Permittee Name:** Mountain Materials, LLC.  
**Mailing Address:** P.O. Box 13070 Lexington, Kentucky 40583

**is authorized to operate a limestone crushing operation**

**Source Name:** Mountain Materials, LLC. - Elkhorn Quarry  
**Mailing Address:** Same as above  
**Source Location:** Adjacent to Ky. 197, near Elkhorn City, Kentucky 41522

**KYEIS ID #:** 021-195-00095  
**SIC Code:** 1422

**Region:** Appalachian, Hazard  
**County:** Pike

**Permit Number:** S-00-181  
**Log Number:** 53205  
**Permit Type:** Minor Source Operating

**Issuance Date:** February 22, 2001  
**Expiration Date:** February 22, 2006

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**John E. Hornback, Director  
Division for Air Quality**

## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application, which was determined to be complete on November 14, 2000, the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in the Regulation 401 KAR 50:035, Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

- 07      (-)            Secondary Crusher (Nordberg 1415)  
                                 (Maximum Rated Capacity 200 tons/hour)
- (-)            Tertiary Crusher (Symons Cone)  
                                 (Maximum Rated Capacity- 100 tons/hour)

**1.      Applicable Regulations:**

State Regulation 401 KAR 60:670, New nonmetallic mineral plants (40 CFR 60, Subpart 000 as modified by Section 2 of 401 KAR 60:670); Applies to each of the affected facilities listed above (Emission point 07).

**Applicable Requirements:**

a) Fugitive emissions from the secondary crusher, emission point 07 (-) and tertiary crusher, emission point 07 (-) shall not exhibit greater than fifteen percent (15%) opacity, each, as specified in State Regulation 401 KAR 60:670 (40 CFR 60.672 ©).

**2.      Operating Limitations:**

N/A

**3.      Emission Limitations:**

N/A

**4.      Testing Requirements:**

N/A

**5.      Monitoring Requirements:**

See Section C, General Condition F.2.

**6.      Record Keeping Requirements:**

See Section C, General Conditions B.1., B.2., and F.2.

**7.      Reporting Requirements:**

See Section C, General Conditions C.1., C.2., and F.3.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

- 01      (-)          Receiving Hopper**
- 02      (-)          Primary Crusher  
                      (Jeffrey 607 Rockbuster)  
                      (Maximum Rated Capacity 400 tons/hour)**
- 03      (1)          Conveyor and Transfer Points  
                      (From Primary Crusher to Conveyer #2)**
  - (3)          #3 Belt Conveyor and Transfer Points  
                      (From #1 Tunnel to Conveyor #4)**
  - (5)          Conveyor and Transfer Points  
                      (From Surgepile #2 to Telesmith Screen)**
  - (610-1)    Conveyor and Transfer Points  
                      (From Telesmith Screen to Conveyor 610-2)**
  - (610-2)    Conveyor and Transfer Points  
                      (From Telesmith Screen to Conveyor 610)**
  - (-)          Conveyor and Transfer Points  
                      (From Telesmith Screen to Allis Chalmers 1084 Cone)**
  - (-)          Conveyor and Transfer Points  
                      (From Allis Chalmers 1084 Cone to Telesmith Screen)**
  - (4x6-1)    Conveyor and Transfer Points  
                      (From Telesmith Screen to 4x6-2 Conveyor)**
  - (6)          Conveyor and Transfer Points  
                      (From 1415 Nordberg to Telesmith Screen)**
  - (7)          Conveyor and Transfer Points  
                      (From Nordberg 1315 to Conveyor #8)**
  - (8)          Conveyor and Transfer Points  
                      (From Conveyor #7 to Conveyor #6)**
  - (-)          Conveyor and Transfer Points**

(From Symons Cone to Conveyor #6)

- (-) Conveyor and Transfer Points  
(From Nordberg 1315 to Symons Cone)

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

- 03      (9)      Conveyor and Transfer Points  
                 (From Telesmith 7x20 to Conveyor #11)
- (10)      Conveyor and Transfer Points  
                 (From Telesmith 7x20 to Conveyor #16)
- (11)      Conveyor and Transfer Points  
                 (From Conveyor #9 to Shuttle Belt)
- (16)      Conveyor and Transfer Points  
                 (From Conveyor #10 to Conveyor #17)
- 04      (S-1)      Screen (Hewitt Robins 8' x 16')  
                 (Maximum Rated Capacity 100 tons/hour)
- (-)      Screen (6' x 20' Vibra King Grizzley)  
                 (Maximum Rated Capacity 600 tons/hour)
- (S-2)      Screen (Telesmith 7' x 20' 3-Deck)  
                 (Maximum Rated Capacity 900 tons/hour)
- 05      (S-3)      Screen (Telesmith 7' x 20' 3-Deck)  
                 (Maximum Rated Capacity- 250 tons/hour)
- (S-4)      Screen (Telesmith 7' x 20' 3-Deck)  
                 (Maximum Rated Capacity- 250 tons/hour)
- (S-5)      Screen (Telesmith 7' x 20' 3-Deck)  
                 (Maximum Rated Capacity 250 tons/hour)
- 06      (-)      Secondary Crusher  
                 (Allis Chalmers 1084 Cone)  
                 (Maximum Rated Capacity- 225 tons/hour)
- (-)      Tertiary Crusher  
                 (Nordberg 1315)  
                 (Maximum Rated Capacity- 100 tons/hour)

- 08      (-)      **Rip Rap Conveyor and Transfer Points**
- (-)      **Rip Rap Stockpile**
- (-)      **Rip Rap Truck Loadout**

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

- (2)      **Conveyor and Transfer Points  
(To Surge Pile #1)**
- (-)      **Surge Pile #1**
- (4)      **Conveyor and Transfer Points  
(To Surge Pile #2)**
- (-)      **Surge Pile #2**
- (-)      **#610's Conveyor and Transfer Points**
- (-)      **#610's Stockpile**
- (-)      **#610's Truck Loadout**
- (4x6-2)      **4x6 Conveyor and Transfer Points  
(From 4x6-1 to 4x6 Stockpile)**
- (-)      **4x6 Stockpile**
- (-)      **4x6 Truck Loadout**
- (-)      **4's Conveyor and Transfer Points  
(From Allis Chalmers 1084 to 4's Stockpile)**
- (-)      **4's Stockpile**
- (-)      **4's Loadout**
- (17)      **10's Conveyor and Transfer Points  
(From Belt #16 to 10's Stockpile)**
- (-)      **10's Stockpile**

- (-) 10's Truck Loadout
- (-) Shuttle Belt Conveyor and Transfer Points  
(From Conveyor #11 to Stockpile)
- (-) CSB Stockpile
- (-) CSB Truck Loadout
- (-) 1's Stockpile

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

- 08    (-)    1's Truck Loadout
- (-)    67's and 78's Stockpile
- (-)    67's and 78's Truck Loadout
- (-)    8's Stockpile
- (-)    8's Truck Loadout
- (-)    Concrete 57's Stockpile
- (-)    Concrete 57's Truck Loadout  
(To Conveyor #12-2)
- (-)    57's Stockpile
- (-)    57's Truck Loadout
- 09    (-)    Haul Road and Yard Area

**PUG MILL OPERATION**

- 10    (-)    Receiving Hopper
- 11    (-)    Conveyor and Transfer Points  
(36" Pug Mill Feed Belt)
- 12    (-)    Pug Mill (Eagle)  
(Maximum Rated Capacity 200 tons/hour)

(-) **Truck Loadout**

**WASH PLANT OPERATION**

13      (-)      **Receiving Bin  
(FMC, Fine Material)**

(-)      **Receiving Bin  
(FMC, Coarse Material)**

14      (1)      **36" Conveyor and Transfer Points**

(2)      **36" Conveyor and Transfer Points**

**SECTION B – EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

14      (3)      **36" Conveyor and Transfer Points**

15      (-)      **Screw Conveyor and Transfer Points**

(-)      **Wet Screen (Cedar Rapids 5' x 14')  
(Maximum Rated Capacity 150 tons/hour)**

(1)      **36" Stacker Conveyor and Transfer Points**

(2)      **30" Stacker Conveyor and Transfer Points**

16      (-)      **Fines Stockpile**

(-)      **Coarse Stockpile**

(-)      **Fines Truck Loadout**

(-)      **Coarse Truck Loadout**

**APPLICABLE REGULATIONS:**

State Regulation 401 KAR 63:010, Fugitive emissions, apply to each of the affected facilities listed above.

1.      **Operating Limitations:**

N/A

2.      **Emission Limitations:**



The materials processed at each affected facility listed above shall be controlled with wet suppression and/or enclosures so as to comply with the requirements specified in State Regulation 401 KAR 63:010, Fugitive emissions, Section 3. Standards for fugitive emissions.

**Compliance Demonstration Method:**

See Section C, General Condition F.2.

**3. Testing Requirements:**

N/A

**4. Monitoring Requirements:**

See Section C, General Condition F.2.

**SECTION B – EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**5. Recordkeeping Requirements:**

See Section C, General Conditions B.1., B.2., and F.2.

**6. Reporting Requirements:**

See Section C, General Conditions C.1., C.2., and F.3.

## SECTION C - GENERAL CONDITIONS

### A. Administrative Requirements

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be (a) violation(s) of State Regulation 401 KAR 50:035, Permits, Section 7(3)(d) and is grounds for an enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division. [401 KAR 50:035 Section 12]
3. Any condition or portion of this permit, which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit. [401 KAR 50:035 Section 7(3)(k)]
4. The permit contained herein may be revised, revoked, reopened, reissued, or terminated for cause. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance shall not stay any permit condition. [401 KAR 50:035 Section 7(3)(f)]
5. The permit does not convey property rights or exclusive privileges. [401 KAR 50:035 Section 7(3)(g)]
6. The permit shall be subject to suspension at any time the permittee fails to pay all fees within 90 days after notification as specified in State Regulation 401 KAR 50:038, Air emissions fee. [401 KAR 50:035 Section 7(3)(h)]
7. Nothing in this permit shall alter or affect the authority of the U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders. [401 KAR 50:035 Section 8(3)(a)]
8. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 50:035 Section 8(3)(b)]
9. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry. [401 KAR 50:035 Section 7(2)(b)5]
10. State - Origin Permit S-96-295 dated December 16, 1996, is hereby null and void.

**SECTION C - GENERAL CONDITIONS (CONTINUED)****B. Recordkeeping Requirements**

1. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality. [401 KAR 50:035 Section 7(1)(d)2 and 401 KAR 50:035 Section 7(2)(c)]
2. The permittee shall perform compliance certification and recordkeeping sufficient to assure compliance with the terms and conditions of the permit. Documents, including reports, shall be certified by a responsible official pursuant to State Regulation 401 KAR 50:035, Permits, Section 6.

**C. Reporting Requirements**

1.
  - a. In accordance with the provisions of Regulation 401 KAR 50:055, Section 1 the owner or operator shall notify the Division for Air Quality's Hazard Regional Office concerning startups, shutdowns, or malfunctions as follows:
    - i. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
    - ii. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
  - b. In accordance with the provisions of Regulation 401 KAR 50:035, Section 7(1)(e)2, the owner or operator shall promptly report deviations from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Reporting Requirement condition 1 a) above) to the Division for Air Quality's Hazard Regional Office.
2. The permittee shall furnish to the Division, in writing, information that the Division may request to determine whether cause exists for modifying, revoking, reissuing, or terminating this permit, or to determine compliance with this permit. [401 KAR 50:035, Section 7(2)(b)3e and 401 KAR Section 7(3)(j)]
3. Summary reports of any monitoring required by this permit shall be reported to the Division's Hazard Regional Office at least every six months during the life of this permit, unless otherwise stated in this permit. The reports are due within 30 days after the end of each six-month reporting period. The initial issuance date of this permit establishes the beginning of the first reporting period. The permittee may shift to semi-annual reporting on a calendar year basis upon approval of the regional office. If calendar year reporting is approved, the semi-annual reports are due January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to Section 6(1) of Regulation 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports.

**SECTION C - GENERAL CONDITIONS (CONTINUED)****D. Inspections**

1. In accordance with the requirements of Regulation 401 KAR 50:035, Permits, Section 7(2)(c) the permittee shall allow the Cabinet or an authorized representative to perform the following:
  - a. Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
  - b. Have access to and copy, at reasonable times, any records required by the permit:
    - i. During normal office hours, and
    - ii. During periods of an emergency when prompt access to records is essential to proper assessment by the Cabinet;
  - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
    - i. During all hours of operation at the source,
    - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    - iii. During an emergency; and
  - d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
    - i. During all hours of operation at the source,
    - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    - iii. During an emergency.

**E. Emergencies/Enforcement Provisions**

1. The permittee shall not use as defense in an enforcement action, the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [401 KAR 50:035 Section 7(3)(e)].
2. Pursuant to State Regulation 401 KAR 50:035, Permits, Section 9, an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
  - a. An emergency occurred and the permittee can identify the cause of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
  - d. The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency if the notice met the requirement of State Regulation 401 KAR 50:035, Permits, Section 7(1)(e)2, and included a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.

**SECTION C - GENERAL CONDITIONS (CONTINUED)****E. Emergencies/Enforcement Provisions (Continued)**

3. Emergency provisions listed in General Condition E.2 are in addition to any emergency or upset provision contained in an applicable requirement.
4. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 50:035 Section 9(3)].

**F. Compliance**

1. Permit Shield - Except as provided in State Regulation 401 KAR 50:035, Permits, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements identified in this permit as of the date of the issuance of this permit.
2. Periodic testing or instrumental or non-instrumental monitoring, which may consist of record keeping, shall be performed to the extent necessary to yield reliable data for purposes of demonstration of continuing compliance with the conditions of this permit. For the purpose of demonstration of continuing compliance, the following guidelines shall be followed:
  - a. Pursuant to State Regulation 401 KAR 50:055, General compliance requirements, Section 2(5), all air pollution control equipment and all pollution control measures proposed by the application in response to which this permit is issued shall be in place, properly maintained, and in operation at any time an affected facility for which the equipment and measures are designed is operated, except as provided by State Regulation 401 KAR 50:055, Section 1.
  - b. All the air pollution control systems shall be maintained regularly in accordance with good engineering practices and the recommendations of the respective manufacturers. A log shall be kept of all routine and non routine maintenance performed on each control device.
3. Pursuant to Regulation 401 KAR 50:035, Permits, Section 7(2)(b), the permittee shall annually complete and return a Compliance Certification Form (DEP 7007CC) to the Division's Hazard Regional Office in accordance with the following requirements:
  - a. Identification of each term or condition of the permit that is the basis of the certification;
  - b. The compliance status regarding each term or condition of the permit;
  - c. Whether compliance was continuous or intermittent; and
  - d. The method used for determining the compliance status for the source, currently and over the reporting period, pursuant to 401 KAR 50:035, Section 7(1)(c),(d), and (e).
  - e. The certification shall be postmarked by the thirtieth (30) day following the applicable permit issuance anniversary date, or by January 30th of each year if calendar year reporting is approved by the regional office. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality  
Hazard Regional Office  
233 Birch Street, Suite 2  
Hazard, KY. 41701

Division for Air Quality  
Central Files  
803 Schenkel Lane  
Frankfort, KY 40601